

FLORIDA HIGHWAY PATROL

POLICY MANUAL



SUBJECT CRIMINAL INVESTIGATIONS	POLICY NUMBER 22.04
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	TOTAL PAGES 9

22.04.01 PURPOSE

To provide for administrative and operational programs that should result in efficient and effective criminal investigations.

22.04.02 POLICY

It is the policy of the Florida Highway Patrol to adopt procedures which will ensure the effective and efficient detection, apprehension and prosecution of those persons who violate federal state and local laws.

22.04.03 OBJECTIVES

- A. To implement and maintain standards that promotes efficient use of personnel.
- B. To implement administrative standards for the Bureau of Investigations.
- C. To implement operational standards for the Bureau of Investigations.

22.04.04 RESPONSIBILITIES

- A. The organizational structure of the Bureau of Investigations, establishes the chain of command as the flow of communications within the Bureau. The rank structure and salary schedules are the same as field operations.
 - 1. Chief - As Chief of Investigations, he/she is responsible for commanding and overseeing all actions of the Bureau of Investigations statewide.
 - 2. Captain - As assistant chief of investigations, he/she is responsible for assisting the Chief of Investigations in the efficient operation of an assigned region in the Bureau of Investigations.
 - 3. Lieutenant - As an investigator, he/she is responsible for the supervision of subordinate personnel and for conducting criminal investigations and administrative investigations as assigned by the Director, Chief of Investigations or the assistant chief of investigations.

- a. When assigned the additional duties as a Polygraph Examiner, the lieutenant will be trained at an accredited Polygraph Training Institute and serve as a Polygraph Examiner for the Department.
 - b. The Polygraph Examiner shall conduct pre-employment examinations for the Division; conduct specific polygraph examinations for the Department, and upon demonstrated need, conduct criminal and other specific examinations for other law enforcement agencies or other state agencies.
 4. Sergeant - As an investigator, he/she is responsible for the supervision of subordinate personnel as applicable and for developing and conducting criminal investigations. Administrative investigations may be conducted as assigned by the Assistant Chief of Investigations or Lieutenant. The administrative investigation will be commensurate with the rank.
 5. Trooper - As an investigator, he/she is responsible for developing and conducting criminal investigations as assigned by the sergeant or lieutenant and administrative investigations requested by other Divisions of the Department (Motor Vehicles, Driver Licenses or Administrative Services) when applicable.
- B. Troop, District, Supervisor, and Roll-Call meeting.
- Members assigned to the Bureau of Investigations will periodically attend troop, district, supervisor and roll-call meetings.
1. To stay updated on memorandums and policies.
 2. To enhance relationships between field operations and the Bureau of Investigations and to exchange criminal intelligence and information.
- C. Investigator - Call Out
1. The Chief of Investigations or his designee shall assign an investigator on a need basis upon request from a Chief of Field Operations, Troop Commander, or appropriate field supervisor.
 2. Call out will be based on the need to conduct an investigation not routinely conducted by field supervisory personnel.
- D. Investigative Task Force
1. The purpose of an investigative task force is to ensure that adequate manpower and resources are available for the investigation of certain major criminal offenses or other criminal activities.
 2. When an investigative task force is deemed necessary, the Chief of Investigations will:

- a. Authorize the implementation of the task force.
 - b. Assign an assistant Chief of Investigations or an investigator (law enforcement lieutenant) as Commander of the Investigative Task Force.
- 3. The Investigative Task Force Commander will:
 - a. Have overall authority and responsibility for the operation and be accountable to the Assistant Chief of Investigations and/or the Chief of Investigations.
 - b. Determine the number of personnel to be assigned to the task force.
 - c. Evaluate the progress of the investigative task force and make recommendations to the assistant chief of investigations to determine the feasibility of its continuance.
 - d. Keep the Assistant Chief of Investigations and the Chief of Investigations apprised of the status of the investigative task force.
 - e. Upon termination of the investigative task force, submit a report through the Assistant Chief of Investigations to the Chief of Investigations. The report will summarize the results of the investigation and address the positive and negative aspects of the investigative task force and suggest improvements, if any, for future operations.
- 4. Members of the Bureau of Investigations assigned to a task force will:
 - a. Be accountable to the Commander of the Investigative Task Force.
 - b. Identify and provide resources and expertise needed in the investigation.
- 5. Field personnel assigned to an investigative task force will:
 - a. Be accountable to the Commander of the Investigative Task Force.
 - b. Be responsible for the completion of reports necessitated by their investigation.
- 6. Request for an Investigative Task Force.
 - a. Requests from outside agencies will be directed to the Chief of

Investigations.

- b. Members may request activation of an investigative task force by submitting a recommendation through the chain of command to the Chief of Investigations.

7. Involvement of other Agencies

When a task force involves personnel from another agency, the Chief of Investigations will contact the head of the agency or his designated representative to define specific responsibilities for each agency. If our agency personnel are to participate in a formal, investigative taskforce, the following issues must be outlined and approved prior to participation:

- a. The stated purpose of the particular taskforce.
- b. The defining authority of each taskforce.
- c. Specific responsibilities of our members.
- d. A written agreement (Memorandum of Understanding)
- e. A final, follow-up evaluation determining success and need for the taskforces continued operation.

22.04.05 PROCEDURES

A. CASE MANAGEMENT

In order to maintain a standardized system for the accountability, immediate retrieval, and status of investigations conducted by the Bureau of Investigations, it is imperative that each investigator follow the procedures as outlined.

- 1. Cases will be opened when there is sufficient justification for investigative effort. When sufficient information is received from any source that would require investigative effort to resolve, then a case should be opened and pursued. Investigative reports will be prepared on any case which requires a significant amount of investigative time and energy.
- 2. Cases may be initiated independently or assigned by the Chief or the Assistant Chief of Investigations.
- 3. When an investigation is initiated by a field investigator, a case number will be obtained from a Bureau of Investigations clerk in Tallahassee.
 - a. At the time the case number is assigned, the investigator will provide a brief narrative of the investigation to the Investigations clerk.
 - b. In the event a case is assigned from GHQ, a case opening report will be completed by the Investigations clerk.
- 4. Once a case is opened, the investigation will be completed within 30 days. Upon completion of the investigation, a copy of the case report is

to be filed in the Bureau of Investigations, GHQ. Closing of the case will be indicated on the monthly activity report for the month the case was completed.

- a. In the event unusual circumstances preclude the completion of a case within 30 days, a status report will be filed in the Bureau of Investigations, GHQ, by the investigator with the normal monthly report. The Assistant Chief of Investigations will verify the status of the case.
 - b. The status report will contain information as to why the case extended beyond the 30 days and what steps are being taken to complete the investigation and close the case.
5. The investigator responsible for administrative matters in each Bureau of Investigations field office will have the additional responsibility of insuring that an up-to-date case opened and case closed log is maintained for audit purposes.
6. Criminal investigations are to be suspended when all worthwhile investigative leads have been explored, or no investigative activity has taken place for a period of 90 days. They will be closed when an arrest has been made and no further investigation is warranted. It is not necessary to keep a case open for pending court trials. If new leads are developed in a case after it has been closed or suspended, then the case can be reopened.
7. Active criminal intelligence and active criminal investigative information are exempt from public disclosure and shall not be disseminated to the public.
 - a. Case files should contain a copy of preliminary reports, witness statements, results of examinations of physical evidence, arrest reports, and records needed for investigative purposes.
 - b. Closed criminal cases may be released to the public as outlined in Chapter 119, Florida Statutes.
 - c. Criminal case files may be purged and destroyed as outlined in Chapter 119, Florida Statutes and subject to the consent of the Records and Information Management Program of the Division of Library and Information Services of the Department of State in accordance with Section 257.36, Florida Statutes.
 - d. All case files dealing with the criminal investigation component must be stored in secure and separate files that must be locked at any time they are left unattended.

8. Florida Statutes set criteria for career or habitual criminals.
 - a. Investigators should identify those cases involving a career or habitual criminal.
 - b. Investigators should coordinate with the local state attorneys office when a career or habitual criminal is a suspect in any criminal investigation.

B. FOLLOW-UP INVESTIGATIONS

Case investigation follow-up is critical to ensure the investigation is complete and accurate. Many cases by this Division may require extensive follow-up either by uniform patrol or the Bureau of Investigations. The following areas should be reviewed to ensure the case is ready for prosecution and that the investigation is complete:

1. Review and analyze all previous reports prepared in the preliminary phase, departmental records and results from laboratory examinations;
2. Conduct additional interviews and interrogations.
3. Seek additional information (from officers, witnesses, victims, complainants, other law enforcement agencies).
4. Plan, organize and conduct searches, and collect physical evidence.
5. Identify and apprehend suspects.
6. Determine involvement of suspects in other crimes.
7. Check suspects criminal histories.
8. Prepare case for court presentation.
9. Make a "second contact" with the principals. A "second contact" with a victim or witness is valuable in building public confidence in the agency as well as indicating that the law enforcement officers are genuinely concerned about the welfare of the victim and other citizens associated with the case.

C. INFORMATION DEVELOPMENTS

Information development is crucial to be successful in any criminal investigation. Knowing who and where to obtain the information is equally important.

1. Sources of information can be obtained from many different areas. The following are examples of how information can be obtained.

- a. Interviews - Talk with witnesses and victims to obtain information about the suspects, the location of the crime, and the events leading to the crime.
 - b. Interrogation - Interrogate possible suspects to obtain additional information about the suspect or suspects, the crime, and the events leading to the crime. You may get a confession.
 - c. Collection, preservation, and use of physical evidence. - Physical evidence is helpful in identifying the suspect, and events leading to the crime.
 - d. Surveillance - Is useful in obtaining information concerning the identities or activities of subjects. Especially, when little or no advantage can be obtained by further questioning of the complainant or witness.
2. There are numerous sources of information that are helpful in conducting criminal background investigations. The following are examples:
- a. Public record files to include; motor vehicle, driver license, social security, occupational licenses.
 - b. Agency files.
 - c. Case files.
 - d. Reports from other law enforcement agencies.
 - e. Newspaper and credit files.
 - f. Conference with law enforcement officers and informants who have knowledge of the suspect's activities.
 - g. Local, state, and federal arrest records.
 - h. Bank accounts.
3. The more background information an officer can obtain concerning the suspect, the better equipped the officer will be in predicting or anticipating the suspect's involvements or reactions.
4. The information obtained during the background investigation should be made available only to those officers who are involved in conducting the investigation.
5. The background information should be purged once the investigation is complete.

D. INFORMANTS

1. Bureau of Investigations personnel and felony officers/canine handlers are authorized to utilize confidential informants. Other members are not to utilize confidential informants but are encouraged to develop information of criminal activity and relay that information to the Bureau of Investigations. Caution must be exercised in dealing with confidential sources.
 - a. Investigators should take additional precaution when dealing with informants of the opposite sex and with informants whose sexual preferences may make an investigation more susceptible to compromise through alleged improprieties.
 - b. Special consideration must be given when using a juvenile as an informant. Permission should be obtained from a parent, guardian or juvenile court prior to using the juvenile as an informant.
2. Investigators must remember that most informants are criminals, and while friendly working relations should normally be maintained with these sources, it must be stressed that this "friendship" cannot extend beyond the work environment.
 - a. Members shall not give informants gifts or loans.
 - b. The controlling investigator of a confidential source who is involved in criminal activity or who has a criminal reputation will take adequate precautions to protect the credibility and integrity of the Division, the controlling investigator, and the investigation in which the informant is cooperating.

These precautions require strict control of the source and a second investigator may have to be present during all contacts with the informant to avoid allegations or illusions of impropriety or misconduct.
 - c. The investigator should protect him/her and the agency by informing the appropriate Assistant Chief of Investigations of the expected time and place where a source contact is to take place and other pertinent circumstances.
 - d. Investigators shall not routinely meet with confidential sources of the opposite sex.
3. All informants' identities must be kept confidential.
 - a. Files of true names and assumed names of all confidential informants will be assigned a code name or number by the controlling investigator.
 - b. The number is an alpha sequential number assigned from a log by the appropriate assistant chief of investigations.

- c. All reports and documents shall use the code name or number of the informant.
- 4. Investigators who develop informants with a criminal history will thoroughly review such history with an Assistant Chief of Investigations and a detailed record will be maintained in the Bureau of Investigations, GHQ, which will include a photograph, the fingerprints, and criminal history of the informant.
- 5. It is important that each investigator be thoroughly familiar with the rules of "entrapment" and avoids being placed in that role while utilizing informants.
- 6. When possible, the confidential informant shall be utilized to introduce an officer in an undercover capacity into any criminal investigation.
 - a. The informant's involvement should be minimized or terminated as soon as practical.
 - b. Failure to do so may result in the court ordering that the identity of the source be revealed.
 - c. Extended use of the informant in an investigation must be discussed with and approved by the assistant chief or the Chief of Investigations.
 - d. A determination that an informant participate in extraordinary activities as part of his/her assignment shall be made, prior to the activity, by the assistant chief or the Chief of Investigations after consultations with the Office of General Counsel.
- 7. When confidential expenditures are requested to pay confidential informants, the confidential informants will not be named on any form, but will be designated by assigned case name or number.
- 8. The payment of informants for information and other expenditures authorized by this Department are:
 - a. The purchase of information that should lead to the arrest of a suspect under Department investigation by members of the Florida Highway Patrol.
 - b. Necessary expenses of a confidential informant in the use of personal equipment. This may also include meals, lodging, and temporary living expenses for a short period of time. Such payments shall be in accordance with approved per diem and shall be documented on a C673 form and filed in the case report.